

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION

ANTHONY EARL SMITH,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:05-cv-00105-RRA
)	
WARDEN RALPH HOOKS, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on August 10, 2006, recommending that this action be DISMISSED for failing to state a claim upon which relief can be granted, pursuant to 28 U.S.C. § 1915A(b)(1). The magistrate judge further recommended that any supplemental state law claims be dismissed without prejudice pursuant to 28 U.S.C. § 1367(c)(3). The plaintiff filed objections to the report and recommendation on August 28, 2006, and on September 7 and 11, 2006. (Doc's. #15, #16, #17 and #18).¹

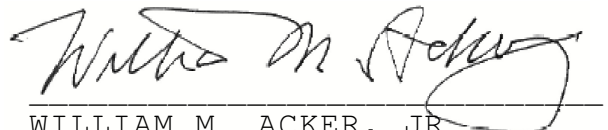
Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the objections thereto, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the

¹In his objections, the plaintiff might be implying that one of the officers gave the inmate a device to enable him to slip from his handcuffs. The plaintiff did not allege this in his pleadings and it will not be considered by the court.

recommendation is ACCEPTED. Accordingly, the complaint is due to be dismissed for failing to state a claim upon which relief can be granted, pursuant to 28 U.S.C. § 1915A(b)(1). Any supplemental state law claims are due to be dismissed without prejudice pursuant to 28 U.S.C. § 1367(c)(3). A Final Judgment will be entered.

The Clerk is DIRECTED to serve a copy of this order upon the plaintiff.

DATED this 20th day of September, 2006.


WILLIAM M. ACKER, JR.
UNITED STATES DISTRICT JUDGE